

Carlos Hernández
Mayor

Luis Gonzalez
Council President

Katharine E. Cue-Fuente
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda/ Minutes

November 8, 2016

7:00 P.M.

Call to Order - **Council President Gonzalez called the meeting to order at 7:03 p.m.**

Roll Call - **City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:**

- Council President Gonzalez
- Council Vice President Cue-Fuente
- Councilwoman Vivian Casáls-Muñoz
- Councilwoman Isis Garcia-Martinez
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano

Council Members Absent:

- Councilman Jose Caragol

Also present were:

- Mayor Carlos Hernandez
- Lorena Bravo, City Attorney

Invocation - **Marbelys Fatjo, City Clerk, led the invocation.**

Pledge of Allegiance- **Councilwoman Casáls-Muñoz led the Pledge of Allegiance.**

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.

- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

REPORT: The meeting guidelines were read into the record by the City Clerk in English, and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.

Presentations – None.

1. Election of Council President pursuant to §3.01(c) of the Hialeah City Charter.

REPORT: Motion to nominate Luis Gonzalez as Council President made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Garcia-Martinez. Motion passed (6-0-1) with Councilman Caragol absent.

2. Election of Council Vice President pursuant to §3.01(c) of the Hialeah City Charter.

REPORT: Motion to nominate Katharine Cue-Fuente for Council Vice President made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Garcia-Martinez. Motion passed (6-0-1) with Councilman Caragol absent.

3. Announcement of Amendments/Corrections to the Agenda –

- **Item GG has been withdrawn from the agenda, and the exhibit attached thereto has now been added to Item 13.**
- **The exhibit attached to Item 13 has been removed and placed with Item 15.**
- **Items 9 and 10 have been withdrawn from today's agenda because the items require readvertisement. The items will be before the City Council on first reading on November 22, 2016.**
- **Items HH, II, JJ and KK have been added to today's agenda.**
- **The amount expenditures exceeded budgeted appropriations by has been corrected in the proposed ordinance for Item 14.**

4. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Motion to Approve the Consent Agenda made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on October 25, 2016. (OFFICE OF THE CITY CLERK.)
APPROVED (6-0-1) with Councilman Caragol absent.
- B. Request to cancel the City Council meeting of December 27, 2016 in observance of the Christmas holiday. (OFFICE OF THE CITY CLERK)
APPROVED (6-0-1) with Councilman Caragol absent.
- C. Request from St. John the Apostle Catholic Church, located at 475 East 4 Street, Hialeah, Florida, for a carnival permit to host an annual festival to be held on church grounds, from Thursday, March 2, 2017 through Sunday, March 5, 2017, subject to recommendations from the Police and Fire Departments. (OFFICE OF THE CITY CLERK)
APPROVED (6-0-1) with Councilman Caragol absent.
- D. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Alberni Caballero & Fierman, LLP, certified public accountants, to perform auditing services and complete the annual audit, including, but not limited to, Federal and/or Florida Single Audit Act requirements, CAFR requirements and GASB requirements for an additional year as a continuation of service for the fiscal year that ended on September 30, 2016, in a total cumulative amount not to exceed \$142,000 to be allocated throughout various City departments. (FINANCE DEPT.)
APPROVED (6-0-1) with Councilman Caragol absent.
- E. Request permission to waive competitive bidding, since it is advantageous to the City, and issue as purchase order to TAW Power Systems, Inc., for the purchase of one (1) stationary power generator to replace the existing one located at the Hialeah Fire Department tower site for citywide communications, in a total cumulative amount not to exceed \$91,000 with pricing per Palm Beach County School Board Contract # 13C37T. (FIRE DEPT)
APPROVED (6-0-1) with Councilman Caragol absent.
- F. Request permission to waive competitive bidding, since it is advantageous to the City in that Mr. David Gregory is currently working with the City's Department of Public Works and is familiar with the requirements and the implementation of the Progressive contract, and issue a purchase order to CH2M Hill Engineers, Inc., for the services of Mr. Gregory, technical advisor to the City, which consist of review of contractor plans and observation of how those plans are carried out, in a total cumulative amount not to exceed \$ 98,030. Mr. Berger previously worked with Louis Berger, the City's consultant for solid waste. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilman Caragol absent.**
- G. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has been providing printing services to the City's Department of Public Works for the past several years and is familiar with the department's requirements, and issue a purchase order to Olmedo Printing Corporation, for printing services to include the printing

of utility bills, envelopes and the annual Water Quality Report, in a total cumulative amount not to exceed \$50,000. (DEPT. OF PUBLIC WORKS)

APPROVED (6-0-1) with Councilman Caragol absent.

- H. Request permission to issue a purchase order to Hazen and Sawyer, P.C., for the service of updating the existing Geographic Information System (GIS) which bases sewer atlas for the City's wastewater collection/transmission systems, since it is advantageous to the City in that this project will allow the City of Hialeah GIS operating compatibly with that of Miami-Dade County's GIS, in a total cumulative amount not to exceed \$68,600. On June 8, 2010, the City Council approved the recommendations of the Selection Committee for the selection of General Consultants for engineering services in response to Request for Qualifications No. 2009/10-9500-00-07 – *General Consultants for Engineering and Architectural Services*, which included this vendor, for a period of three (3) years, with the option to extend annually for a total of no more than five (5) years. (DEPT. OF PUBLIC WORKS)

APPROVED (6-0-1) with Councilman Caragol absent.

- I. Request permission to issue a purchase order to Progressive Waste Solutions of FL, Inc., vendor presently under contract with the City, for the collection of Residential Municipal Solid Waste (garbage and bulk), in a total cumulative amount not to exceed \$6,587,000. On August 11, 2015 the City Council approved granting an Exclusive Franchise to this vendor, for the collection of residential municipal solid waste pursuant to Request for Proposal No. 2014-15-9500-00-002 – *Solid Waste Collection Services System* to this vendor. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilman Caragol absent.**

- J. Request permission to issue a purchase order to Progressive Waste Solutions of FL, Inc., vendor presently under contract with the City, for the disposal of Solid Waste, in a total cumulative amount not to exceed \$3,692,000. On March 22, 2016 the City Council approved for a contract to be negotiated with this vendor for the collection of recyclable materials and disposal of residential solid waste. (DEPT. OF PUBLIC WORKS)

APPROVED (6-0-1) with Councilman Caragol absent.

- K. Proposed resolution naming the vacant land for use as a passive park located at West 49th Street and 20th Avenue in Hialeah, Florida, The Don Quijote Park. (ADMINISTRATION)

APPROVED (6-0-1) with Councilman Caragol absent. RESOLUTION NO. 2016-117.

- L. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the requirements of the City's Department of Public Works, issued to Ferguson Enterprises, Inc., to purchase pipes, materials, supplies and hydrants, in a total cumulative amount not to exceed \$50,000. (DEPT. OF PUBLIC WORKS)

APPROVED (6-0-1) with Councilman Caragol absent.

- M. Request permission to waive competitive bidding, since it is advantageous to the City, and enter into a four (4) year professional services contract with Xtreme FX LLC, to provide the fireworks and related materials for the Independence Day events in 2017, 2018, 2019 and 2020, in a total cumulative amount not to exceed \$99,000. (EDUCATION & COMMUNITY SERVICES DEPT.) **APPROVED (6-0-1) with Councilman Caragol absent.**

- N. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor currently has workers working with the City's Department of Public Works and is familiar with the department's requirements, and issue a purchase order to Culmin Staffing Group, Inc, in a total cumulative amount not to exceed \$25,000. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilman Caragol absent.**
- O. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the requirements of the City's Department of Public Works and is one of the few laboratories certified to conduct the needed types of tests, and issue a purchase order to Florida-Spectrum Environmental Services, Inc., to conduct water quality testing as needed for all of the City's Stage 2 By-Products Rule and the distribution system of the Reverse Osmosis plant, in a total cumulative amount not to exceed \$80,000. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilman Caragol absent.**
- P. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor meets the required specifications and has worked for the City drilling the following wells: 2, 3, 4, 10 and 11, and issue a purchase order to A.C. Schultes of Florida, Inc., to perform work necessary to acidize the following wells: 8, 9, 12 and 13 (Graham Wells) located near the Hialeah Reverse Osmosis plant, in a total cumulative amount not to exceed \$280,000. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilman Caragol absent.**
- Q. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Xylem Water Solutions U.S.A., Inc., for the repair, parts and/or replacement of FLYGT submersible pumps and attributes for the purpose of maintaining and operating the department's sewer pump stations, in a total cumulative amount not to exceed \$250,000. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilman Caragol absent.**
- R. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor is familiar with the requirements of the City's Department of Public Works and is one of the few laboratories certified to conduct these types of tests, issued to Florida-Spectrum Environmental Services, Inc., to conduct water quality testing as needed to the Stage 2 By-Products Rules and the water distribution system, in a total cumulative amount not to exceed \$40,000. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilman Caragol absent.**
- S. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has previously worked for the City in pump station repairs and is familiar with the City's practices and standards, and issue a purchase order to South Florida Utilities Inc., for emergency repairs on all pump stations, wet wells and discharge pipping, as well as to repair and rehab manholes that are leaking ground water into the City's collection system, in a total cumulative amount not to exceed \$150,000. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilman Caragol absent.**
- T. Request from the City's Education and Community Services Department for a street closure permit for the City's Triangle Park Holiday Lighting Ceremony, at Palm Avenue from West 3rd Street to Okeechobee Road and West 3rd Street bordering Triangle Park from Palm

Avenue to Okeechobee Road, on Friday, November 18, 2016 from 5:00 p.m. to 11:00 p.m., with the event hours being from 6:00 p.m. to 10:00 p.m. (EDUCATION AND COMMUNITY SERVICES DEPT.)

APPROVED (6-0-1) with Councilman Caragol absent.

- U. Request permission to waive competitive bidding, since it is advantageous to the City, to issue a purchase order to Schaefer Systems International, Inc., vendor providing the lowest quotation, for the purchase of one thousand (1,000) new 95 gallon Schaefer container, in a total cumulative amount not to exceed \$50,200. (DEPT. OF PUBLIC WORKS)

APPROVED (6-0-1) with Councilman Caragol absent.

- V. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Fortiline, Inc., vendor providing the lowest quotation, to purchase 1 inch, 1 ½ inch and 2 inch water meters, in a total cumulative amount not to exceed \$47,074.50. (DEPT. OF PUBLIC WORKS)

APPROVED (6-0-1) with Councilman Caragol absent.

- W. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Williams Paving Co., Inc., vendor providing the lowest quotation, for the service of providing a drivable surface along Northwest 154th Street, Northwest 170th Street and 102nd Avenue, as well as between 154th Street and 170th Street, in a total cumulative amount not to exceed \$30,003.14. (DEPT. OF PUBLIC WORKS)

APPROVED (6-0-1) with Councilman Caragol absent.

- X. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Florida Power Technologies, Inc., to replace modular batteries for the UPS system located at the police communications tower site radio equipment shelter, in a total cumulative amount not to exceed \$39,597. (FIRE DEPT.)

APPROVED (6-0-1) with Councilman Caragol absent.

- Y. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Southeastern Towers, LLC, for the installation of a new Ice Bridge (cable rack) for the Hialeah Police Department communications shelter, remove and replace antennas at the Hialeah Police Department and Bucky Dent tower sites, in a total cumulative amount not to exceed \$44,797.84. (FIRE DEPT.)

APPROVED (6-0-1) with Councilman Caragol absent.

- Z. Request permission to issue a purchase order to Replay Systems, Inc., sole source vendor, for the system maintenance of the recording systems manufactured by the vendor for the E911 Communication Center through September 30, 2017, in a total cumulative amount not to exceed \$22,215. (INFORMATION TECHNOLOGY DEPT.)

APPROVED (6-0-1) with Councilman Caragol absent.

- AA. Request permission to make payment to Hialeah Housing Authority for the Senior Citizens Activities for fiscal year 2016-2017, in a total amount not to exceed \$42,000. Further, request permission to make payment to the Hialeah Housing Authority, for the Hot Lunch Program for fiscal year 2016-2017, in a total amount not to exceed \$135,000. (OFFICE OF MANAGEMENT & BUDGET) **APPROVED (6-0-1) with Councilman Caragol absent.**

- BB.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Mansfield Oil Company of Gainesville, Inc., to pay for unpaid invoices for gasoline and diesel fuel consumption, in a total cumulative amount not to exceed \$31,191.89. (FLEET MAINTENANCE DEPT.)

APPROVED (6-0-1) with Councilman Caragol absent.

- CC.** Request permission to enter into a contact with ECN Intermediate Holding Company, the manufacturer and sole source vendor of the Code Red Community Notification System for government and public safety communication, for a term of three (3) years with the option to extend two (2) one (1) year extensions, and further request permission to issue a purchase order to this vendor, to purchase CodeRed, the current Community Notification System in use by the City, including software licensing, configuration, commercial phone lists and maintenance, in a total cumulative amount not to exceed \$25,000 per year for three (3) consecutive years, for a total expense amount not to exceed \$75,000. (EMERGENCY MANAGEMENT DEPT.) **APPROVED (6-0-1) with Councilman Caragol absent.**

- DD.** Request permission to issue a purchase order to All Design Concrete Corp., vendor providing the lowest quotation, to purchase, pour and finish concrete for the new playground, drainage and exercise machine area with a square footage encompassing 8,587 feet at Slade Park, in a total cumulative amount not to exceed \$21,466.50. (DEPT. OF PARKS AND RECREATION) **APPROVED (6-0-1) with Councilman Caragol absent.**

- EE.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Fortiline, Inc., vendor providing the lowest quotation, to purchase meter boxes, covers and lids, in a total cumulative amount not to exceed \$54,166.18. (DEPT. OF PUBLIC WORKS) **APPROVED (6-0-1) with Councilman Caragol absent.**

- FF.** Report of supplemental appropriations that have been made from April 1, 2016 to September 30, 2016 to the 2015-2016 fiscal year budget. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (6-0-1) with Councilman Caragol absent.**

- ~~GG.~~** ~~Report of budget transfers that have been made from April 1, 2016 to September 30, 2016 to the 2015-2016 fiscal year budget. (OFFICE OF MANAGEMENT AND BUDGET)~~
WITHDRAWN

- HH.** Request permission increase purchase order # 2017-617, issued to Exclusive Surfaces, Inc., since it is advantageous to the City in that bids came in below the department's budget and the department would like to add some additional areas to the restoration that were not part of the original scope of work, for the terrazzo floors restoration at JFK Library, by an additional amount of \$13,500, for a new total cumulative amount not to exceed \$45,000. On September 13, 2016 the City Council awarded Hialeah Bid No. 2015-16-3230-00-019 – *JFK Library-Terrazo Floors Restoration* to this vendor. (CONSTRUCTION AND MAINTENANCE DEPT. & THE GRANTS AND HUMAN SERVICES DEPT.) **APPROVED (6-0-1) with Councilman Caragol absent.**

- II.** Proposed resolution approving the expenditure totaling an amount not to exceed \$63,021.00 from the Law Enforcement Trust Fund – *State* account and the Capital Outlay Byrne (JAG) DOJ Grant, to purchase three 2017 Chevrolet City Express Cargo Vans from Rountree Moore Chevrolet Cadillac, utilizing the pricing established by a competitive bid from the Florida Sheriff's Association, Bid #16-VEL24.0, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED (6-0-1) with Councilman Caragol absent. RESOLUTION NO. 2016-118.

- JJ.** Proposed resolution approving the expenditure totaling an amount not to exceed forty five thousand dollars (\$45,000.00) from the Law Enforcement Trust Fund – *State*, for the rental of vehicles, from Royal-A-Car Systems of Florida, Inc., vendor #21162, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

APPROVED (6-0-1) with Councilman Caragol absent. RESOLUTION NO. 2016-119.

- KK.** Request permission to utilize the Water Wastewater and Reclaimed Water Operation and Maintenance Agreement dated March 23, 2017 between this vendor and St. Lucie County, Florida, effective for five (5) year from the agreement commencement date with three successive renewal periods of up to five (5) years per renewal upon agreement of the parties, and issue a purchase order to Severn Trent Environmental Services, Inc., for operations and maintenance support to maximize cost effective, efficient and complaint water distribution and wastewater collection system operating services, in a total cumulative amount not to exceed \$2,191,703.88 for fiscal year 2016-2017. (DEPT. OF PUBLIC WORKS)

APPROVED (6-0-1) with Councilman Caragol absent.

- 3.** Second reading and public reading of proposed ordinance amending Chapter 98 entitled "Zoning", Article II. Administration, Division 9 Administrative Variances, of the Code of Ordinances and in particular amending Section 98-256, entitled "Definitions" to add a variance for adopted design standards; amending Section 98-257 entitled "Administrative Variance Committee" identifying committee members and officers; amending Section 98-258 entitled "Limitation of Authority" providing for authority to consider requests for changes to approved pattern books; amending Section 98-259 entitled "Application" to provide for fees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for an effective date. (PLANNING AND ZONING)

APPROVED (6-0-1) with Councilman Caragol absent. ORDINANCE NO. 2016-66.

Item was approved by the City Council on first reading on October 25, 2016. Second reading and public hearing was scheduled for November 8, 2016.

Item was approved by the Planning and Zoning Board on October 12, 2016.

REPORT: Motion to Approve Item 3 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent.

- 4.** Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article II. Administration, Division 7 Zoning Changes, of the Code of Ordinances, and in particular amending Section 98-195 entitled "Fees" providing for fees related with the review, evaluation or approval of land use and zoning applications within a Transit Oriented Development District; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for

violation hereof; providing for inclusion in the code; providing for an effective date. (PLANNING AND ZONING)

APPROVED (6-0-1) with Councilman Caragol absent. ORDINANCE NO. 2016-67.

Item was approved by the City Council on first reading on October 25, 2016. Second reading and public hearing was scheduled for November 8, 2016.

Item was approved by the Planning and Zoning Board on October 12, 2016.

REPORT: Motion to Approve Item 4 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent.

5. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 26 entitled “Transit Oriented Development District” of the Code of Ordinances by adding a new Section 98-1559 entitled “Design Review Committee” for the purpose of reviewing proposed applications to ensure consistency with goals and objectives of the TOD District; providing for members and duties; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in the code; providing for an effective date. (PLANNING AND ZONING))
APPROVED (6-0-1) with Councilman Caragol absent. ORDINANCE NO. 2016-68.

Item was approved by the City Council on first reading on October 25, 2016. Second reading and public hearing was scheduled for November 8, 2016.

Item was approved by the Planning and Zoning board on October 12, 2016.

REPORT: Motion to Approve Item 5 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent.

6. Second reading and public hearing of proposed ordinance setting the election date for the General Election for the year 2017 for the date of Tuesday, November 21, 2017 for the offices of Mayor and the City Council whose terms have expired, pursuant to municipal powers vested by state law according to Florida Statutes §§ 166.021(4) and 100.3605(2) in order to conduct elections on the same date as other municipalities; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK)
APPROVED (6-0-1) with Councilman Caragol absent. ORDINANCE NO. 2016-69.

Item was approved by the City Council on first reading on October 25, 2016. Second reading and public hearing was scheduled for November 8, 2016.

REPORT: Motion to Approve Item 6 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Lozano. Motion passed (6-0-1) with Councilman Caragol absent.

7. Second reading and public hearing of proposed ordinance providing for a Primary Election to be held on Tuesday, November 7, 2017 and a General Election to be held on Tuesday, November 21, 2017; providing for the Miami-Dade County Elections Department to conduct these elections and other matters relating thereto; repealing all ordinances or parts of ordinances in conflict herewith;

providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (OFFICE OF THE CITY CLERK)

APPROVED (6-0-1) with Councilman Caragol absent. ORDINANCE NO. 2016-70.

Item was approved by the City Council on first reading on October 25, 2016. Second reading and public hearing was scheduled for November 8, 2016.

REPORT: Motion to Approve Item 7 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Lozano. Motion passed (6-0-1) with Councilman Caragol absent.

8. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 29. Hialeah Heights, of the Code of Ordinances of the City of Hialeah, by adding a new section, § 98-1607.2 entitled “CDH Commercial Development District”; providing a purpose; the geographic area; site and development standards; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in the code; providing for an effective date. (ZONING) **APPROVED (6-0-1) with Councilman Caragol absent.**

Item was approved by the Planning and Zoning Board on October 26, 2016.

REPORT: Debora Storch, Planning and Zoning Official, City of Hialeah, addressed the City Council on this item.

REPORT: Motion to Approve Item 8 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

9. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 11. CR Commercial Residential District, of the Code of Ordinances of the City of Hialeah, revising Section 98-877 entitled “Uses Permitted and Regulations”, to include pawnshops, medical clinics, and pet stores as permitted uses; eliminating the prohibition against sale of second hand merchandise; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for inclusion in the code; providing for an effective date. (ZONING) **WITHDRAWN FROM THIS AGENDA BECAUSE MATTER REQUIRES READVERTISEMENT. Item will be before the City Council on first reading on November 22, 2016.**

Item was approved by the Planning and Zoning Board on October 26, 2016.

10. First reading of proposed ordinance amending Chapter 98 entitled “Zoning”, Article V. Zoning District Regulations, Division 11A. CR Commercial Residential District outside the Hialeah Downtown Urban Center (HDUC), of the Code of Ordinances of the City of Hialeah, revising Section 98-891 entitled “Prohibited Uses and Limitations”; eliminating the restrictions on the sale of secondhand jewelry; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for severability; providing for an effective date. (ZONING) **WITHDRAWN FROM THIS AGENDA BECAUSE MATTER REQUIRES READVERTISEMENT. Item will be before the City Council on first reading on November 22, 2016.**

Item was approved by the Planning and Zoning Board on October 26, 2016.

11. First reading of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and Family Aids Coalition, Inc., a Florida Not-For-Profit Corporation, as tenant, for office space, Room 112, within the Blanche Morton Neighborhood Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on September 1, 2016 and ending on August 31, 2017, for an annual amount of \$1,688.54, payable in equal monthly base rental payments plus electric, utility and telephone charges, with two successive one-year renewals with a 5% annual rental increase for each year renewed, in the lease form as attached hereto and made a part hereof as Exhibit "1"; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.) **APPROVED (6-0-1) with Councilman Caragol absent.**

REPORT: Motion to Approve Item 11 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

12. First reading of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as landlord, and the University of Florida and Miami-Dade County, Florida, as tenants, for use of 1,559 square feet of office space, Rooms 113 through 120, and a conference room at the Blanche Morton Neighborhood Service Center, located at 300 East 1 Avenue, Hialeah, Florida, for a period of one year, commencing on December 1, 2016 and ending on November 30, 2017, for an annual amount of \$20,892.19 payable in equal monthly rental payments, in the lease form as attached hereto as Exhibit "1", with two successive annual renewals; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.) **APPROVED (6-0-1) with Councilman Caragol absent.**

REPORT: Motion to Approve Item 12 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

13. First reading of proposed ordinance amending the budget for fiscal year 2015-2016 by authorizing transfers of unencumbered appropriation between classifications of expenditures within an office or department within the several budget funds as summarized and itemized in the schedule attached as Exhibit "1B" and made a part hereof; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (6-0-1) with Councilman Caragol absent.**

REPORT: Motion to Approve Item 13 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

14. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2015-53 (Sept. 24, 2015) adopting the Operating Budget for fiscal year 2015-2016, to approve and ratify supplemental appropriations in the amount of \$4,194,798 for a new year-end operating budget in the total amount of \$132,194,798; repealing all ordinances or parts of ordinances in conflict herewith;

providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (6-0-1) with Councilman Caragol absent.**

REPORT: Motion to Approve Item 14 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Lozano. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

15. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2015-54 (Sept. 24, 2015) adopting the Special Revenue Funds Budget for fiscal year 2015-2016, to amend the Special Revenue Funds Budget in the amount of \$22,859,127 and approve and ratify supplemental appropriations in the amount of \$4,786,401 for a new year-end special revenue funds budget in the total amount of \$27,645,528; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (6-0-1) with Councilman Caragol absent.**

REPORT: Motion to Approve Item 15 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

16. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2015-55 (Sept. 24, 2015) adopting the Debt Fund Budget for fiscal year 2015-2016, to approve and ratify a reduction in appropriations in the amount of \$1,718,170 for a new year-end Debt Fund Budget in the total amount of \$6,000,000; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (6-0-1) with Councilman Caragol absent.**

REPORT: Motion to Approve Item 16 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

17. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2015-56 (Sept. 24, 2015) adopting the Capital Projects Fund Budget for fiscal year 2015-2016, to approve and ratify supplemental appropriations in the amount of \$841,702 for a new year-end Capital Projects Fund Budget in the total amount of \$3,130,328; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
APPROVED (6-0-1) with Councilman Caragol absent.

REPORT: Motion to Approve Item 17 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

18. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2015-57 (Sept. 24, 2015) adopting the Street Transportation Fund Budget for fiscal year 2015-2016, to approve and ratify a reduction in appropriations in the amount of \$1,695,375 for a new year-end Street Transportation Fund Budget in the total amount of \$5,290,501; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
APPROVED (6-0-1) with Councilman Caragol absent.

REPORT: Motion to Approve Item 18 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

19. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2015-58 (Sept. 24, 2015) adopting the Stormwater Fund Budget for fiscal year 2015-2016, to approve and ratify a reduction in appropriations in the amount of \$3,648,572 for a new year-end Stormwater Fund Budget in the total amount of \$4,048,418; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET) **APPROVED (6-0-1) with Councilman Caragol absent.**

REPORT: Motion to Approve Item 19 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

20. First reading of proposed ordinance amending Hialeah, Fla. Ordinance 2015-59 (Sept. 24, 2015) adopting the Public Works Fund Budget for fiscal year 2015-2016 to approve and ratify a reduction in appropriations in the amount of \$3,021,424 for a new year-end Public Works Fund Budget in the total amount of \$95,311,530; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. (OFFICE OF MANAGEMENT AND BUDGET)
APPROVED (6-0-1) with Councilman Caragol absent.

REPORT: Motion to Approve Item 20 made by Councilwoman Casáls-Muñoz, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

21. Board Appointments – **None.**

22. Unfinished Business – **None.**

23. New Business – **None.**

24. Comments and Questions-

- **Councilwoman Casáls-Muñoz spoke regarding Chief Mark Overton's mass and burial.**
- **Mayor Hernandez spoke regarding Chief Mark Overton, and provided an update on the JFK Library renovation project.**
- **Maxine Topper, 4483 NW 36 Street, Physician Health Center, offered her services to the City.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

REPORT: All were duly sworn in.

- PZ 1. Second reading and public hearing of proposed ordinance rezoning from R-2 (One and Two Family Residential District), C-1 (Restricted Retail Commercial) and C-2 (Liberal Retail Commercial) to R-3-3 (Multiple Family District); granting a Special Use Permit to allow the expansion of the Neighborhood Business District overlay regulations and granting a variance permit to allow the construction of an Elderly Residential Community, consisting of 77 units, with a floor area of less than 850 square feet for all units; where no more than 10% or 8 units may have a minimum of 600 square feet, to allow 76 parking spaces; where 174 spaces are required and to allow surface parking on front and side setbacks, where no parking is allowed on the front or side setbacks, contra to Hialeah, Florida Code §§ 98.1630.2, 98.1630.3(e) (4), and 98.1630.3(f) relating back to 98.2189(16). **Property consists of 17 vacant lots located on the east side of West 5th Avenue and 4 vacant lots on the west side of 4th Court, between West 23 Street and West 25 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Hialeah Housing Authority c/o Felix M. Lasarte, Esq.) **APPROVED (6-0-1) with Councilman Caragol absent. ORDINANCE NO. 2016-71.**

<i>Item was approved by the City Council on first reading on October 25, 2016. Second reading and public hearing was scheduled for November 8, 2016.</i>
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<i>Item was approved by the Planning and Zoning Board on October 12, 2016.</i>
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<i>Planner's Recommendation: Approval</i>

<i>Property owner: Hialeah Housing Authority</i>
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REPORT: Motion to Approve Item PZ 1 made by Councilwoman Casáls-Muñoz, and seconded by Councilman Hernandez. Motion passed (6-0-1) with Councilman Caragol absent.

- PZ 2. First reading of proposed ordinance granting a variance permit to allow replatting of property into two substandard lots to allow the construction of a single family residence on each lot with lot 1 having a frontage of 51.3 feet, more or less, and total area of 5,130 square feet and lot 2 having a frontage of 47 feet, more or less, and total area of 4,700 square feet, where 75 feet of frontage and total area of 7,500 square feet are required for each, contra to Hialeah Code § 98-348(a). **Property located at 1421 East 6 Court, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Lumination Homes, LLC) **APPROVED (6-0-1) with Councilman Caragol absent.**

<i>The recommendation of denial of the Planning and Zoning Board was overturned by the City Council on October 25, 2016. First reading was scheduled for November 8, 2016.</i>
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<i>Item was tabled, per the request of the applicant's representative, on October 11, 2016 until October 25, 2016, due to a full City Council not being present.</i>
<i>Item was denied by the Planning and Zoning Board on September 28, 2016.</i>
<i>Planner's Recommendation: Approval with conditions</i>
<i>Property owner: Lumination Homes, LLC, 1474-A West 84 Street, Hialeah, FL 33014</i>

REPORT: Motion to Approve Item PZ 2 made by Councilwoman Garcia-Martinez, and seconded by Councilwoman Casáls-Muñoz. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

- PZ 3. First reading of proposed ordinance rezoning property from M-1 (Industrial District) to R-3-5 (Multiple Family District). **Property located at 7925 West 2 Court, Hialeah, Florida.** Providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Hugo Arza, Esq. on behalf of Amelia Hialeah Holdings, LLC*)
APPROVED (6-0-1) with Councilman Caragol absent.

<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Department on October 26, 2016.</i>
<i>Property owner: Amelia Hialeah Holdings, LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014</i>

REPORT: Motion to Approve Item PZ 3 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Lozano. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

- PZ 4. First reading of proposed ordinance repealing and rescinding Ordinance No. 2013-88 (December 16, 2013) that rezoned property from R-1 to R-3-2; rezoning from R-3-2 (Multiple Family District) to R-3-3 (Multiple Family District), and granting a variance permit to allow a pervious area of 21.9%, where a minimum of 30% is required, a total lot coverage of 38.25%, where a maximum of 30% is allowed; to allow 24 off-street parking spaces, where 27 spaces are required; waiving a portion of the City of Hialeah Landscape Manual requirements to allow a 5-foot landscape buffer between the off-street parking and the right-of-way, where a 7-foot buffer is required, and eliminate the landscape island, where a landscape island is required at a minimum every 10 parking spaces for shade distribution, and to allow the a rear setback of 10 feet, where 20 feet are required, a corner side setback abutting the street of 13.3 feet, where 15 feet are required, contra to Hialeah Code §§ 98-2056(1), 98-590, 98-591, 98-2189(19)(b), 98-2197(a). **Property located at 1120 West 37 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro Vilarello, P.A., on behalf of Hialeah 10 Townhomes, LLC*)
APPROVED (6-0-1) with Councilman Caragol absent.

<i>Planner's Recommendation: Approval</i>
<i>Item was approved by the Planning and Zoning Department on October 26, 2016.</i>
<i>Property owner: Hialeah 10 Townhomes, LLC, 16400 NW 59 Avenue, Miami Lakes, FL 33014</i>

REPORT: Motion to Approve Item PZ 4 made by Councilwoman Casáls-Muñoz, and seconded by Councilwoman Garcia-Martinez. Motion passed (6-0-1) with Councilman Caragol absent. Second reading and public hearing is scheduled for November 22, 2016.

NEXT CITY COUNCIL MEETING: Tuesday, November 22, 2016 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, February 28, 2017 at 6:30 p.m.

REPORT: Meeting was adjourned by Council President Gonzalez at 7:42 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).